

REMARKS/ARGUMENTS

Favorable reconsideration of the present application is respectfully requested.

Claims 1-8, 13, 14, 18 and 19 have been withdrawn from consideration. Claims 20, 21, 23 and 24 have been canceled. New Claim 25 corresponds to allowed Claim 11 rewritten in independent form. New Claim 26 combines Claim 15 and allowed Claim 11, new Claim 28 combines Claims 22 and 11, while new Claim 27 corresponds to Claim 16.

Claims 9, 15 and 22 have been amended for clarity, and also to better distinguish these claims over the prior art. The basis for the changes will become evident from the discussion set forth below.

The claimed invention is directed to a shift device of a vehicle, of the type in which a controller is provided for shifting the actual gear ranges of the transmission by controlling an actuator in accordance with detection signals from a manipulation range detecting means and an actual gear range detecting means. For example, referring to the non-limiting embodiment disclosed in the specification, a gear range shifting mechanism can take the form of a manual valve 104 which can be shifted by an actuator 108, for example through a mechanical link mechanism 107. A manipulation range detecting means can take the form of switches SW1 through SW6, and detect the manipulation of a shift manipulation portion, e.g., 110, by the driver. An actual gear range detecting means, which is exemplified by sensors 121 and 122, can detect the actual gear range of the transmission, and the controller 120 is provided for controlling the shifting of the actual gear ranges of the transmission by controlling the actuator in accordance with detection signals from the manipulation range detecting means and the actual gear range detecting means.

As is described on pages 27-28 (Figure 11), on the other hand, the manipulation controller 120 may receive a manipulation signal for shifting a gear in a manner which is prohibited. For example, the shift lever 111 may be moved to the R range at a time when the

vehicle speed is in a reverse prohibition range. In this case, the shifting of the actual gear range to the reverse range is prohibited.

Moreover (and again referring to the example of the non-limiting embodiment), even though the shift manipulation controller 120 receives a manipulation signal for shifting the gear to the R range, manipulation range indicating means, such as the first and second indicators 114 and 115, which indicate the manipulation range based on a detection signal from the manipulation range detecting means (e.g., switches SW1 through SW6) are caused to provide an indication consistent with the actual gear range, e.g., the "D" range. That is, the manipulation range indicating means 114-115 is allowed to indicate the manipulation range of the shift manipulation portion in a manner that does not correspond to the detection signal from the manipulation range detecting means.

Claims 9, 10, 12, 15-17 and 20-24 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. patent 4,892,014 (Morrell et al.) The Examiner there alleged that Morrell et al. disclosed the claimed invention at lines 22-26 of column 6. However, Applicants respectfully submit that the disclosure of Morrell et al. is substantially different from the invention, and the claims have been amended to further clarify this difference.

Morrell et al. is directed to a programmable controller for a transmission range selection. A selector switch 14 is used to manually select a transmission range, which is displayed by position indicators 15. The input from the selector switch 14 is evaluated against other information gathered about the state of the transmission and the vehicle, based upon which a decision is made as to whether the selection input by the switch 14 should be executed (column 6, lines 3-9). A new selected range is indicated by the position indicator 15. Additionally, in the event of a failure to shift to the requested range, "the reason is given by the fault indicator 16" (column 6, lines 22-27).

Thus, the teaching of Morrell et al. is that, in the case that there is a failure to shift to the requested range, the reason is given by the fault indicator 16 or the display 17. This, however, is not the display of an indication “that the manipulation range does not correspond to the manipulation range detecting means” nor does it comprise means allowing an indication of a manipulation range of a shift manipulation portion in a manner that does not correspond to the detection signal from a manipulation range detecting means. In other words, Morrell et al. merely teaches the use of a separate fault indicator to indicate a fault; it does not teach a feature of the manipulation range indication means such that they indicate a range consistent with the actual gear range, rather than that being selected (see page 28, lines 30-31 of the present specification). The amended claims are therefore believed to clearly define over this reference.

Concerning the rejection under 35 U.S.C. § 112, second paragraph, the claims have generally been amended in response to the Examiner’s objections. However, it is noted that the recitation of “detection signals” provides antecedent basis for “detection signal” since the detection signal is simply one of the previously recited detection signals (see, for example, M.P.E.P. § 2173.05(e); “[i]nherent components of elements recited have antecedent basis in the recitation of the component themselves”).

The specification and drawings have been corrected in response to paragraph 6 of the Office Action.

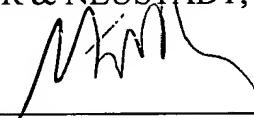
Concerning paragraph 5 of the Office Action, it is noted that the references cited on pages 1 and 2 of the specification were listed in the PTO form 1449 and were initialed by the Examiner.

Application No. 10/085,734  
Reply to Office Action of January 14, 2004.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early notice of allowability.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



---

Norman F. Oblon  
Attorney of Record  
Registration No. 24,618

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/03)  
RTP/rac

Robert T. Pous  
Registration No. 29,099